

CLERK: Mr. President, the next amendment I have is offered by Senator Hoagland.

PRESIDENT: Is Senator Hoagland on board this morning? Is someone prepared to handle a motion on file by Senator Hoagland to this bill? Senator Hoagland appears to be excused for the day. If not, we'll pass over it.

CLERK: Mr. President, the next amendment I have is by Senator DeCamp. (DeCamp amendment appears on page 1313 of the Legislative Journal.)

PRESIDENT: Senator DeCamp. This is LB 877. The Chair recognizes Senator John DeCamp. What is the position on the bill?

SENATOR DECAMP: Oh, yes, okay. I don't know what your judgements are on the balance of the bill as it exists now. My amendment does one thing. It eliminates "the crime, the crime of adultery."

PRESIDENT: (Gavel.)

SENATOR DECAMP: Oh, no, you don't have to...I don't necessarily want them to hear. (Laugh.) It eliminates the crime of adultery, on this theory, it is a very specific criminal law and it is probably not the appropriate thing to have in criminal law. For one reason, it is probably unenforceable. For another reason, it is simply unrealistic, in this century, to attempt to criminally regulate this type of conduct. Now, the issue of the alienation of affection, that is a separate issue, or the criminal conversation, that is a separate issue. But I would submit to you that, based on the record, this is a criminal law that is not appropriate in the statutes. The last time they attempted to enforce this law was 1955, in a rather celebrated case that went to the Nebraska Supreme Court and was ultimately thrown out. About the only thing in modern years that the criminal law "of adultery", notice I'm saying the criminal law, not the civil law but the criminal law, has been used for is harassment, is for threats, is for abuse of the rights to privacy, the intimidation of families, if you would. But in terms of actual enforcement, and causing a certain type of conduct to occur, this law has not accomplished its purpose. I would